

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE**



APPEAL NO. 55 OF 2022 (WZ)

**DEOCHAND DANDUJI KAREMORE - APPLICANT**

**VERSUS**

**MINISTRY OF ENVIRONMENT, FOREST  
& CLIMATE CHANGE, GOI, NEW DELHI- RESPONDENTS  
& 4 OTHERS.**

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 i.e.**  
**ADDITIONAL CHIEF SECRETARY (FORESTS) REVENUE &**  
**FOREST DEPARTMENT, MANTRALAYA, MUMBAI**  
**(IN APPEAL IT IS MENTIONED PRINCIPAL SECRETARY)**

1. It is submitted that, at the first instance when the E-mail dated 07/07/2025 received from this Hon'ble Tribunal to the Chief Secretary of the State of Maharashtra, came to know about the present Appeal. Earlier to this nothing has been received to this Respondent. On receipt of the said E-mail this Respondent has authorized the Deputy Conservator of Forests, Nagpur Forest Division



to file Affidavit in reply to the present Appeal, vide letter dated 24<sup>th</sup> July, 2025.

2. I, Dr. Vinita Vyas, IFS working as Deputy Conservator of Forests(T) Nagpur Forest Division, Nagpur, the deponent herein, do hereby solemnly affirm and state on oath as under-

3. The present appeal filed by the Applicant before this Hon'ble Tribunal and prayed to quash and set aside the impugned order dated 13/12/2021 (Annexure-K with Appeal) in the interest of justice. It is submitted that as per procedure the State Government has to recommend the proposal to Government of India for seeking prior approval of the Central Government Under Section 2 of the Forest (Conservation) Act, 1980 {Now renamed as "Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980"}, and after careful examination of the proposal and on the basis of the specific recommendation of the Additional Principal Chief Conservator of Forests & Nodal Officer of State Government (hereinafter called as APCCF & NO) the Central Government accorded the "in principle" approval i.e. Stage-I is intention of Government of India to divert the land for said purpose, however, actual diversion of forest land is done



after issuance of Stage-II approval (Final Approval) by the Government of India. As directed by the Hon'ble Supreme Court of India while deciding Writ Petition No. 202 of 1995 in case of T. Godaverman Versus Union of India & Others, land cannot be diverted for non-forestry purpose without prior approval of Government of India.

4. It is submitted that the impugned order is a letter of Respondent No. 1 to this Respondent stating that the Central Government accords "in principle" approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1.64 ha. of Zudpi Jungle land under Forest (Conservation) Act, 1980 for Establishment of Transport City and Industrial Estate in Nagpur District. It is specifically brought to the notice of this Hon'ble Tribunal that this Stage-I approval means only intention to divert the area for the purpose. As per provisions of the Forest (Conservation) Act, the Forest Clearance for the forest land is granted in two stages i.e.-

- a) *"In-principle or Stage-I approval (Intention of diversion)*
- b) *"Stage-II approval on compliance of the conditions prescribed in Stage-I approval. (This is final approval)*



5. It is specifically brought to the notice of this Hon'ble Tribunal that the project proponent can start the work at site only after getting the Stage-II Forest Clearance (Final approval) in addition to the other statutory permissions/ approvals under the various Acts/Rules and diversion order issued by Government of Maharashtra after final approval by Government of India. It is submitted that since in the instant proposal, only Stage-I "In principle" approval has been granted by the Government of India wherein no order has been issued to this Respondent i.e. State Government under Section 2 of the Forest (Conservation) Act, 1980 {Now renamed as "Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980"}}, hence it is clear that the present appeal is premature and beyond the statutory jurisdiction of 16(e) of the National Green Tribunal Act, 2010.

6. It is submitted that, the Hon'ble Principal Bench of this Tribunal passed an order in Vimal Bhai & Others Versus Union of India & others on 07/11/2012 wherein it is stated that "*Stage-I Forest Clearance cannot be assailed by filing an Appeal at this stage and as*



*such the present Appeal is premature and has to be dismissed. Liberty is however granted to the Appellants to prefer an Appeal as and when the State Government passes the final order, permitting the Project proponent to use the Forest land for non-forest purpose.*"It is also submitted that, the Hon'ble Principal Bench dismissed the aforementioned Appeal being premature.

7. It is specifically submitted that the present matter is still under correspondence between State Government, APCCF & NO, as well as with Government of India, hence the Stage-II approval is yet to be accorded by Government of India, hence this is very premature stage to decide such matter by this Hon'ble Tribunal.

8. It is submitted that, the submission made by this Deponent may be considered as a consolidated reply top all the specific averments made by the applicant in the instant appeal. This Deponent seeks leave to make additional submission, if required, during the course of the proceedings. It is submitted that, the present appeal is devoid of merits and needs to be rejected with cost.

  
DEPONENT

**Dr. Vinita Vyas, I.F.S.**  
Deputy Conservator of Forest,  
Nagpur Forest Division, Nagpur.

Adhkar no. 7947 4233 0410



SOLEMN AFFIRMATION

I, Dr. Vinita Vyas, IFS working as Deputy Conservator of Forests (Territorial) Nagpur Forest Division, Nagpur do hereby state on solemn affirmation as under :-

That, the contents of above paras are drafted by my counsel in accordance with instructions, written as well as oral. I have gone through the said contents and found them to have been correctly drafted. I say that the contents of above paragraphs are based on information received from official records and believed to be true by me.

Hence, verified and signed at Nagpur on this 12<sup>th</sup> day of August, 2025.

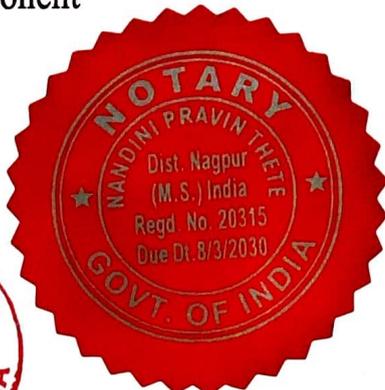


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**DEPONENT**  
**Dr. Vinita Vyas, I.F.S.**  
Deputy Conservator of Forest,  
Nagpur Forest Division, Nagpur

I know the deponent

Advocate

Sworn before me on this 12<sup>th</sup> day of August 25 at Nagpur by Shri/Smt./Ku. Dr. Vinita Vyas IFS R/o. Nagpur who has been identified by Shri/Smt. Self Advocate Nagpur Namelin



**NANDINI PRAVIN THETE**  
**NOTARY**  
**NAGPUR (M.S.) INDIA**